

## EXHIBIT E

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK:

Index No. 07 CIV 8628

XSPABO, INC. d/b/a MISTER SOFTEE  
and MISTER SOFTEE, INC.

V.

E. PIEDAD RIVERA d/b/a MISTER SOFTEE,  
ET AL.X

State of New York )

County of Bronx ) ss:

## AFFIDAVIT OF SERVICE OTHER THAN BY PERSONAL DELIVERY

State of New York, County of Bronx ss:

Charles S. Flemming, being duly sworn, deposes and says:  
I am over 18 years of age and not a party to this action.

At 8:27 PM, on November 30<sup>th</sup> 2007 at 1201 Oak Point Avenue, Bronx NY 10474

In the County of Bronx, City of New York, I served the attached

SUMMONS AND COMPLAINT in this matter on Claudia Zapata

[ ] a) delivering the said SUMMONS to:  
Who was substituted for the defendant.

## Description of individual Substituted:

Sex:	Color of Skin:	Color of Hair:
Approximate Age:	Approximate Weight:	Approximate Height:

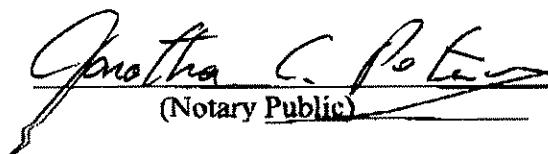
[ X] b) affixing the summons and complaint to a conspicuous part of the door of 1201 Oak Point Avenue, Bronx NY 10474.

Previous attempts were made on (11/14/07), (11/15/2007), (11/20/2007) (11/23/2007), (11/27/07).

Thereafter, on December 1<sup>st</sup>, 2007, a copy of the summons and complaint was mailed to the defendant in an envelope marked personal and confidential, post paid and properly addressed to the Respondent to his last residence address or place of business or employment, by depositing the same at a post office official depository under the exclusive care and custody of the United States Postal Service within the state.

  
PS License No. 1179930

Sworn to before me this 3<sup>rd</sup> day of December 2007

  
(Notary Public)

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: DIPE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2008

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MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER		
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ASHLIN P.O. BOX 4254 NEW YORK, NY 10163		
One piece of ordinary mail addressed to:		
CLAUDIA ZAPATA 1201 OAKPOINT AVENUE BRONX, NY 10474		

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